

224343



Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

January 13, 2009

**VIA E-Filing**

The Honorable Anne Quinlan  
Acting Secretary  
Surface Transportation Board  
Section of Environmental Analysis  
395 E Street, S.W.  
Washington, DC 20423-0001

**NOTICE OF CONSUMMATION**

**Re: Proposed Abandonment of the Huntsville Industrial Lead from M. P. 5.0 to M. P. 6.67 near Huntsville, Walker County, Texas; STB Docket No. AB-33 (Sub-No. 246X)**

Dear Ms. Quinlan:

This is to advise that in accordance with 49 CFR 1152.29(e)(2), as of January 2, 2009, the Union Pacific Railroad Company, ("UP") with regard to the subject Abandonment Exemption, has consummated the abandonment of the Huntsville Industrial Lead from Milepost 5.0 to Milepost 6.67 near Huntsville, Walker County, Texas, pursuant to authority granted in the Surface Transportation Board's ("Board's") Decision served January 11, 2008. A copy of this notice is being served concurrently with the Railroad Commission of Texas.

In accordance with the Board's Decision served January 11, 2008 after reopening the proceeding, prior to commencing any salvaging activities, UP did consult with both the Texas Parks and Wildlife Division and the U.S. Fish and Wildlife Service for Region 2 and did comply with the mitigation measures recommended by these agencies in order to avoid and to minimize the impacts to migratory birds and vegetation. At the request of both the Texas Parks and Wildlife Division and the U.S. Fish and Wildlife Service for Region 2, UP did not begin any salvage activities until after July 15, 2008, the ending period for the raptor and migratory bird nesting seasons. The confirmatory letters with both the Texas Parks and Wildlife Division and the U.S. Fish and Wildlife Service Region 2 confirming the phone conversations and mitigation measures undertaken are attached hereto as Exhibits "1", "2" and "3" and are hereby made a part hereof.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a large, stylized, handwritten "UP" logo.

Enclosures

cc: Railroad Commission of Texas

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June 17, 2008

Ms Amy Hanna  
Wildlife Habitat Assessment Program  
Wildlife Division, Texas Parks & Wildlife  
2801 N. Navarro Street, Room 600B  
Victoria, TX 77901

Dear Ms. Hanna:

This recounts the major points of our May 5 phone conversation regarding UP plans to salvage the Huntsville Industrial Lead. This contact was made to fulfill the January 11, 2008 Surface Transportation Board conditions in Docket No. AB-33 (Sub-No. 246X) that UP consult with your department prior to commencing such activity.

1. Impact on migratory birds. UP will not commence salvage activities until after July 15, the ending date of the nesting periods of chief concern both for raptors and migratory birds
2. Impact on vegetation. The salvage methods to be employed should have minimal impact on vegetation and will involve no significant earth removal or re-grading. Salvage will be accomplished with rubber tire vehicles, and the chief impacts on vegetation will be such vehicles driving to work sites and the temporary stockpiling of materials on top of vegetation. Re-grading will be limited to a smoothing of the remaining ballast section after ties are removed.

At your request the salvager will be instructed to avoid utilizing Bermuda grass in favor of native grasses for reseeding. It is also understood that UP and its contractor may have to emphasize non-native grasses noted for erosion control in areas of concern. You also recognized that with the limited disruption to vegetation likely to result from the salvage, simple re-growth of existing vegetation could occur.

If you have any further comments or questions, please feel free to call me at 402-544-3889.

Sincerely,

A handwritten signature in cursive script, reading "Raymond Allamong".

Raymond Allamong  
Senior Manager Rail Line Planning



September 2, 2008

Ms. Elvira Hunt  
U.S. Fish & Wildlife Service, Region 2  
P.O. Box 1306  
Albuquerque, NM 87103-1306

Dear Ms. Hunt:

This is in regard to Union Pacific Railroad abandoning and salvaging 1.67 miles of railroad in and near Huntsville, TX as authorized by the Surface Transportation Board in Docket No. AB-33 (Sub-No. 246X).

In its ruling authorizing abandonment, the Board took note of correspondence from Ms. Amy Hanna of the Texas Parks and Wildlife Department and imposed conditions specifying that Union Pacific, prior to commencement of salvage activities, should consult with TPWD and (Ms. Hanna had suggested this) your office to ensure that removal and salvage activities are conducted in a manner that avoids or minimizes impacts to migratory birds and vegetation. To comply with the Board's requirement I conversed with Ms. Hanna on May 5 and sent a confirming letter on June 17, which I attach for your information. I left phone messages with you on June 17 and July 14, but you were not able to get back to me.

The attached letter shows that I discussed the migratory bird impact at length with Ms. Hanna and I stress that UP fulfilled its representation in the letter that salvage would not commence until after July 15. (Ms. Hanna had described to the Board the April 1 to July 15 migratory nesting season and the February 1 to July 15 raptor nesting season.) The fortuitous timing of the salvage eliminated the need for a formal survey of nesting sites and I said that UP's salvage contractor would attempt to protect any late nests found.

If you have any questions or comments, please call me at 402-544-3889.

Sincerely,

A handwritten signature in cursive script, appearing to read "Raymond Allamong".

Raymond Allamong  
Senior Manager Rail Line Planning



**January 2, 2009**

**Ms. Amy Hanna  
Wildlife Habitat Assessment Program  
Wildlife Division, Texas Parks & Wildlife  
2801 N. Navarro Street, Room 600B  
Victoria, TX 77901**

**Dear Ms. Hanna:**

**Following up on my June 17, 2008 letter regarding the salvage of the Huntsville Industrial Lead, I am informing you that UP has completed salvage of the line, so the entire work was performed outside the raptor and migratory bird nesting seasons. If you have any comments or questions, please call me at 402-544-3889.**

**Sincerely,**

*Raymond Allamong*  
**Raymond Allamong  
Senior Manager Rail Line Planning**

**Cc: Ms. Elvira Hunt, U.S. Fish & Wildlife Service**